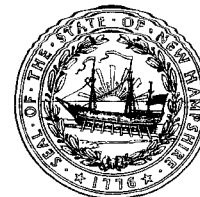




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

August 30, 2006

Mr. Robert Cole  
President  
Concord Sand & Gravel, Inc.  
P.O. Box 1133  
Concord, New Hampshire 03301

**CERTIFIED MAIL (7005 1160 0004 7467 7427)**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICICENCY**  
**No. ARD 06-020**  
**(Sta. S)**

Dear Mr. Cole:

On August 9, 2006, the New Hampshire Department of Environmental Services, Air Resources, Division, ("DES") conducted a compliance inspection at Concord Sand and Gravel, In., ("CS&G"), 320 Sheep David Road, in Concord, NH. The purpose of the inspection was to determine the Facility's compliance status with the NH Administrative Rules Env-A 100 *et seq*, NH Rules Governing the Control of Air Pollution. Enclosed is a copy of the evaluation report for your records.

As a result of the inspection, this Letter of Deficiency ("LOD") is being sent to identify the following deficiencies:

1. Env-A 603.01 requires a person to apply for and obtain a temporary permit prior to installing a device that requires a permit. Env-A 607.01 (d) requires the owner or operator of one or more internal combustion engines with a total heat-input design rating of 1.5 MMBtu/hr or greater, to obtain a temporary permit. CS&G installed three Caterpillar generators in approximately 1997. Each engine is rated at 343 horsepower, which is equivalent to a heat-input design rating of 2.7 MMBtu/hr, or a total combined heat input rating of 8.1 MMBtu/hr. Thus, CS&G should have obtained a temporary permit prior to the installation of the three generators, but has not done so to date.
2. Env-A 607.01(m) requires the owner or operator of a portable non-metallic mineral processing plant with a design throughput greater than or equal to 150 tons per hour to obtain a temporary permit. In 1997, CS&G installed a portable non-metallic mineral processing plant ("the Crushing Plant") at the Facility with a design throughput of 250-350 tons per hour. CS&G should have obtained a temporary permit prior to the installation of the Crushing Plant, but has not done so to date.
3. 40 CFR 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, requires CS&G to conduct visible emissions testing at all emission points for all crushing and material handling equipment for which construction commenced after August 31, 1983, within 180 days of installation. The Crushing Plant was installed in 1997 and is subject to Subpart OOO, but the required testing was not conducted within 180 days after installation, and has not been conducted to date.

4. Env-A 907.01 requires the owner or operator of a facility that is or should be permitted to submit an annual emissions report to DES. CS&G has never submitted an annual emissions report to DES.
5. Env-A 705.04(a) requires the owner or operator of a facility that is or should be permitted to submit annual emissions-based fees to DES. CS&G has never submitted emission-based fees to DES.
6. Env-A 903.02 requires CS&G to maintain monthly records of the amount of raw materials processed each day at the Crushing Plant. At the time of the August 9, 2006 inspection, such records were not being kept by CS&G.
7. Env-A 903.03 requires CS&G to maintain monthly records of fuel utilization, hours of operation, and sulfur content for each generator. At the time of the August 9, 2006 inspection, such records were not being kept by CS&G.
8. Env-A 1604.01 establishes a sulfur content limit of 0.40 percent sulfur by weight for No. 2 oil. To determine compliance with this limit, Env-A 806.05 requires CS&G to maintain records showing the maximum weight percentage sulfur and quantity of each fuel delivery shipment received. The fuel tickets from CS&G's supplier do not state the sulfur content by weight.

DES believes that these deficiencies can be resolved by CS&G taking the following actions:

- i. By **October 16, 2006**, apply for a temporary permit for the three Caterpillar generators and the Crushing Plant. Application forms are enclosed for your convenience. A one-time application fee of \$2,000 should be sent with the forms, as well as a modeling fee. The modeling fee is either \$2,500, if CS&G requests DES to perform the modeling, or \$1,875, if CS&G performs the modeling and submits it to DES for review.
- ii. By **October 16, 2006**, submit to DES emission reports for calendar years 2001 through 2005. Thereafter, each calendar year's emission report will be due by the following April 15. For example, the calendar year 2006 annual emission report should be submitted to DES on or before April 15, 2007.
- iii. By **October 31, 2006**, submit to DES emission-based fees for calendar years 2001 through 2005. Emission-based fees are calculated by multiplying total emissions as reported to DES for a calendar year times the fee established for that calendar year. The emission fee for calendar year 2001 emissions is \$64.33 per ton, for calendar year 2002 emissions it is \$70.80/ton, for calendar year 2003 emissions it is \$85.37/ton, for calendar year 2004 emissions it is \$86.75/ton, and for calendar year 2005 emissions it is \$88.61/ton. Thereafter, each calendar year's emission-based fees will be due by the following April 15. For example, the calendar year 2006 emission-based fees should be submitted to DES on or before April 15, 2007.
- iv. By **October 31, 2006**, have a certified Method 9 observer conduct visible emissions tests on the portable rock crushers in accordance with 40 CFR 60.11(b) and 40 CFR 60.675. The relevant opacity standards, established in 40 CFR 60.672, are 10% for transfer points on belt conveyors and 15% for the crushers. At least **30 days** prior to the test, CS&G shall submit to DES a test protocol and notify DES of the test date.
- v. By **November 10, 2006**, submit to DES copies of the CS&G's records for October, of the amount of raw materials processed each day at the Crushing Plant, fuel utilization, hours of operation, and sulfur content for each generator, to demonstrate that CS&G is now keeping such monthly records.

- vi. By **November 30, 2006**, submit to DES a written report on the results of the visible emissions tests.

In the event compliance is not achieved within the time periods indicated, DES may initiate formal action against CS&G, including issuing an order requiring the deficiency to be corrected, seeking administrative fines, and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties.

Please address all information to Barbara Hoffman at the following address:

NHDES Air Resources Division  
Enforcement Section  
29 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095

Please be advised that DES will continue to monitor the compliance status of CS&G and that this letter does not provide relief against any other existing or future violation.

If you have questions regarding compliance with Env-A 100 *et seq.* or require further information, please contact Barbara Hoffman at (603) 271-7874, Air Resources Division, Compliance Bureau. A current copy of the Air Resources Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/blh

Enc.: ARD Permit Application Forms  
Inspection Report

cc: R. Kurowski, US EPA Region 1  
G. Hamel, NHDES Legal Unit Administrator  
Thomas J. Aspell, Jr., Concord City Manager  
AFS #3301390524